

From: **Daneel Knoetze** daneel.knoetze@gmail.com  
Subject: Viewfinder media query: allegations of premature case closure and completion at IPID  
Date: September 9, 2019 at 6:05 PM  
To: [REDACTED]@ipid.gov.za, [REDACTED]@ipid.gov.za

DK

Dear Mr. Sesoko and Mr. Seisa,

Thank you again for accommodating me for an interview at IPID's head office some weeks ago. Further to that interview, please accept these follow-up queries for IPID's perusal and response. These will inform the written component of my project, which will be co-published with GroundUp and the Daily Maverick.

Some of the questions cover new territory, others request elaboration on some of what Mr Sesoko reported during our interview.

The questions cover quite a lot of ground, and I appreciate that you may need some time to source and prepare IPID's response. I would request, however, that IPID works towards a response deadline of noon on Friday, 13 September 2019.

Please confirm receipt of this query.

Best,  
Daneel

## **Viewfinder media query to IPID 9 September 2019**

### **Part 1: Cases completed on 31 March 2016**

On 31 March 2016, according to the 2015/16 "Decision Ready" Master Registers, IPID completed over 300 cases across the nine provincial offices. It was one of the highest numbers reported for case completions on a single day ever at the IPID. Only two of those cases resulted in successful criminal prosecutions over the ensuing two financial years. IPID management later received reports that cases were prematurely closed and completed at the IPID during the 2015/16 financial year. IPID's Integrity Strengthening Unit has been investigating these reports internally.

- Has the Integrity Strengthening Unit analyzed, in part or in full, this sample of dockets / case files completed on 31 March 2016?
- If so, is IPID able to say whether or to what extent dockets were prematurely completed, without proper investigation, on 31 March 2016?

According to the registers, IPID WC's Owen Anthony completed more than 90 cases on the day, and IPID KZN's Charmaine van der Sandt completed the last case for the day at 23:59. Both these facts will be reported in my article. I don't believe there is need for Mr Anthony and Ms Van Der Sandt to comment on this fact, but the invitation for them to comment is extended, nonetheless. Please communicate this to them.

- Were all the cases completed by Mr Anthony and Ms Van Der Sandt on 31 March 2016 properly investigated before completion?

31 March 2016 was the last day of the financial year. According to the registers, the days upon which most IPID investigations are completed fall on, or very near, the last day of calendar months.

- In IPID's view, does the requirement on provincial offices to report performance statistics to head office influence when cases are completed?

### **Part 2: The docket of the investigation into the "Death in Custody" of Austin Goliath (CCN: [REDACTED])**

One of the cases completed on 31 March 2016 was the investigation into the "Death in Custody" of 17-year-old Austin Goliath in Piketberg on 8 December 2015. We have analysed the IPID docket, on behalf of the family, and it appears that only two pages were generated by the IPID investigator himself: a statement which reports on the investigation's findings and makes a "positive recommendation" to the NPA. It appears, from the docket, that scene attendance, witness statements, next-of-kin statements and collection of forensic evidence were done by Piketberg SAPS. Furthermore, Malmesbury FPS confirms that a police officer, and not an IPID investigator, collected the autopsy report. From our analysis of the docket it appears that Piketberg SAPS, and not IPID, conducted the bulk of the investigation into this death in custody. By the

omission of certain forms and documentation, it appears that certain requirements of IPID's SOPs (6.3) and regulations (4) were not fulfilled: the attendance of the scene, the interviewing of witnesses / next of kin, collection of forensic evidence, the attendance of the post-mortem etc.

- What is IPID's response to the above observations?
- Is the central observation (that much of the inquest investigation into this "Death in custody" was done by Piketberg SAPS) correct?
- If so, what are the reasons and challenges impeding IPID's investigators from fulfilling the SOPs' and regulations' requirements on complaints which originate from police precincts that are far from their offices?
- If not, why not? Can IPID provide additional perspective or documentation to counter the conclusion that IPID did not fulfill certain requirements of the SOPs and regulations and?

### **Part 3: Earlier reports of stat manipulation at IPID**

During my recent interview with Mr Sesoko, he said that management only became aware of the allegations of premature case closure / completion in relation to the period of Mr McBride's suspension. But, in 2014 three provincial site visit reports (from Gauteng, Northern Cape and KwaZulu-Natal) sent to the ED's office quoted or paraphrased investigators alleging that the premature completion and closure of cases was commonplace at these provincial offices in that year already.

- What is IPID's position on these reports and the allegations of premature case closure and completion contained within them, which predate Mr McBride's suspension?

Mr Sesoko said that the Public Protector investigated these reports in 2014 or 2015 and made no adverse findings. But, it does not appear that the Public Protector investigated these site visit reports and allegations in those years. If so, it may have been an honest mistake on Mr Sesoko's part.

- Can IPID confirm whether indeed the Public Protector investigated these reports in 2014 or 2015 and made no adverse findings?
- What is IPID's position on the earlier memo (March 2012) sent by IPID ethics manager which reportedly requested the Public Protector to investigate "unsubstantiated" closures at the provincial offices?
- Does IPID believe there was a deeper, systemic issue related to the premature closure and completion of cases at the IPID, which predated Mr Kgamanyane's tenure as ED?

### **Part 4: IPID's intervention on reports of premature case completion and closure**

Mr Sesoko reported that IPID addressed the alleged premature case closure and completion at a policy level, and Mr McBride reported that the SOPs were amended, to ensure that loopholes which made this manipulation possible were closed.

- Please can IPID elaborate on the policy / SOPs interventions it made to address the potential for premature case closures and completions to occur?

Mr Sesoko reported that IPID head office also conducts inspections and monitoring of recommendations from provincial offices to

- Please can IPID elaborate on how inspections / monitoring works?
- Are these measures new, or do they predate 2016? Please elaborate.

### **Part 5: IPID's Integrity Strengthening Unit investigation**

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Please can IPID give us an update on the Integrity Strengthening Unit's investigation into allegations of premature case closure and completion during Mr McBride's suspension.

- What has been the scope, terms and extent of the investigation?
- What has been the procedure? Does the investigation go beyond docket reviews and analysis of cases closed and completed during the 18 months of Mr McBride's suspension?
- When is the ISU's report due to be finalized?
- Why has it not been finalized nearly three years after IPID first received these allegations?

## **Part 6: Opportunity for IPID to make any additional comments**

IPID is invited to comment on anything that has not been covered by these questions, but which IPID feels should be placed on the record.